

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

KRISTIN HABENICHT, individually and on behalf of all other similarly situated persons, ) Case No. 1:11-CV-02619-DAP  
Plaintiff, )  
v. ) JUDGE DAN AARON POLSTER  
KEYCORP, *et al.*, )  
Defendants. )  
) ORDER OF PRELIMINARY  
) APPROVAL  
)

**WHEREFORE**, upon consideration of Plaintiff's Unopposed Motion for an Order Conditionally Certifying Settlement Class, Preliminarily Approving Action Settlement, Directing Distribution of Class Notice, Setting Hearing for Final Approval of Class Action Settlement and Appointing Class Counsel and the Settlement Agreement, and

**WHEREFORE**, upon preliminary review, it appears the proposed Settlement and Release Agreement is within the range of reasonableness and, for purposes of certifying a settlement class, comports with Federal Rule of Civil Procedure 23(a) and (b), and

**WHEREFORE**, it further appearing that the Notice of Settlement and an opportunity to object will be sent to all class members.

It is therefore:

**ORDERED** that the parties' Settlement and Release Agreement is preliminarily fair and reasonable, and falls within the range of reasonableness.

**ORDERED** that Plaintiff Kristin Habenicht is appointed as the representative plaintiff in this class action.

**ORDERED** that Dan Getman and Matthew Dunn of Getman & Sweeney, PLLC and James P. Langendorf, Langendorf Law Office, local counsel are appointed as Settlement Class

Counsel because they collectively have substantial experience in the arena of complex and class action litigation and are qualified, and experienced attorneys.

**ORDERED** that for purposes of settlement a Federal Rule of Civil Procedure 23 class and a 29 U.S.C. § 216(b) collective action is certified consisting of (i) the Named Plaintiff, and (ii) individuals who worked for Key as Mortgage Loan Officers from December 2, 2008 through March 31, 2012.

**ORDERED** that:

Within 10 days after Preliminary Approval, Settlement Class Counsel shall provide the parties' agreed upon Settlement Administrator with information about settlement payments to each class member;

Within 14 days after Preliminary Approval, the Notice shall be mailed to Class Members;

The last day for Class Members to object to the Settlement, class claim form, or opt-out shall be 74 days after Preliminary Approval; and

The last day for Class Members to rescind their decision to opt-out shall be 88 days after Preliminary Approval.

**ORDERED** that the form and content of the Notice of Settlement is adequate and proper, and comports with due process and is hereby approved.

**ORDERED** that a final fairness hearing will be held at 12:00 noon on Friday, October 19, 2012 in Courtroom 18B, Carl B. Stokes United States Court House, 801 West Superior Avenue, Cleveland, Ohio 44113-1837.

**ORDERED** that Counsel for the parties are hereby authorized to jointly use all reasonable procedures in connection with approval and administration of the settlement that are

not materially inconsistent with this Order or the Settlement Agreement, including making, without further approval of the Court, minor changes to the form or content of the Notice, and other exhibits that they jointly agree are reasonably necessary.

Dated: July 3, 2012

/s/ Dan A. Polster  
Hon. Dan Aaron Polster, U.S.D.J.